

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

Case No. 5:20-cv-03556-BLF

In re GOOGLE DIGITAL PUBLISHER
ANTITRUST LITIGATION

Case No. 5:20-cv-08984-BLF

~~PROPOSED~~ O Q F H K G F 'PROTOCOL
FOR INTERIM CLASS COUNSEL'S
TIME AND EXPENSE SUBMISSIONS

Courtroom: 3, 5th Floor, San Jose
Judge: Hon. Beth Labson Freeman

~~PROPOSED~~ PROTOCOL FOR INTERIM CLASS COUNSEL'S TIME AND
EXPENSE SUBMISSIONS

CASE NOS. 5:20-cv-03556-BLF and 5:20-cv-08984-BLF

1 WHEREAS, on April 1, 2021, this Court held a hearing in the above-captioned cases on
 2 Plaintiffs' motions for appointment of interim class counsel and instructed the various applicants to
 3 submit a protocol governing time and expense reporting. *See* 4/1/21 Tr. at 27.

4 NOW THEREFORE, having reviewed Plaintiffs' submission, the Court hereby enters this
 5 Order to establish a protocol for the recording, submission and review of attorneys' fees and expenses
 6 incurred by counsel for the Plaintiffs in this action.

7 **I. INTERIM CLASS COUNSEL'S TIME AND EXPENSE RECORDS**

8 **A. General Standards**

9 1. Time and expense reports generated pursuant to this Order will be considered as
 10 submitting counsel's representation to the Court, under oath, that the time and expenses submitted
 11 meet the criteria set forth below.

12 2. The recovery of attorneys' fees and expense reimbursements will be limited to interim
 13 class counsel in the consolidated advertising and consolidated publishing cases, and their attorneys and
 14 professional staff, and such other counsel as are authorized by the Court to work under their direction
 15 (together, "class counsel").

16 3. Only time and expenses authorized by interim class counsel that advance the litigation
 17 will be considered as compensable.

18 **B. Time Reporting**

19 4. All time shall be maintained in tenth-of-an hour increments. Time entries not
 20 maintained in tenth-of-an-hour increments may be disallowed.

21 5. All attorneys and staff working on this case will keep contemporaneous records of their
 22 time spent in connection with work on this litigation, indicating the amount of time spent, the
 23 particular activity, and their position in the firm (Partner, Of Counsel, Senior Counsel, Associate, Staff
 24 Attorney, Law Clerk, Paralegal, Legal Assistant, or Contract Attorney). "Contemporaneous" means
 25 that an individual's time spent on a particular activity should be recorded no later than seven days after
 26 that activity occurred. Full descriptions of the work performed are required. Time entries that are not
 27 sufficiently detailed will not be considered for payment. Closely related tasks may be billed in a
 28 single entry but lengthy block billed entries are not acceptable.

6. Interim class counsel will maintain their time records in an electronic database. Failure to maintain detailed time and expense records or to provide a sufficient description of the activities performed will be grounds for denying the recovery of attorneys' fees or expenses in whole or in part.

7. Time records must report the billing rates for each individual listed. Current hourly rates are to be used in calculating time. Billing rates may be adjusted at the conclusion of the matter dependent on uniform or local rates given relative years of experience to ensure the rate reflects the value added.

8. Only time spent on matters that advance the litigation will be considered in determining fees. Interim class counsel will be responsible for auditing time and expense records for compliance with the directives set forth in this Order. Those firms appointed as interim co-lead counsel will review and approve timekeeping and bills each quarter and strike any duplicative or unreasonable fees and costs.

9. Interim class counsel's auditing responsibilities notwithstanding, the ultimate determination of what is compensable work, and the extent or rate at which it is compensable, is within the purview of the Court.

1. Compensable Time

10. Compensable work done on behalf of the putative class or classes may include, but is not limited to:

- fact investigation and factual and legal research;
- preparation of research memoranda, pleadings and briefs;
- conducting document discovery (e.g., reviewing, indexing, and coding documents);
- preparation for and attendance at depositions;
- preparation of and responding to discovery requests;
- preparation for and attendance at hearings;
- preparation for and attendance at meetings with defense counsel or with co-counsel;
- work with clients;

- work with experts;
- settlement and settlement negotiations and related activities;
- appellate work;
- trial preparation and trial; and
- performance of administrative matters specifically related to tasks undertaken for the benefit of the class or classes.

2. *Non-Compensable Time*

11. Compensable work does not include:

- excessive time for a particular task;
- work performed by a person more senior than necessary for the task;
- duplicative time;
- “read and review” time (*e.g.*, billing time for reading every document filed on the court’s docket regardless of whether it related to the individual’s responsibilities) unless specifically related to a billable task;
- unnecessary or duplicative time spent attending depositions or hearings;
- time for which descriptions are missing or incomplete; and
- internal firm time for firm management.

C. Expense Reporting

12. Interim class counsel are entirely self-funded for these matters. If that changes, class counsel will report the change to the Court within 14 days.

13. All costs and expenses in this case will be advanced by interim class counsel. Class counsel will seek reimbursement of these costs and expenses following a judgment or settlement.

1. *Expenses*

14. To be eligible for reimbursement, expenses must meet the requirements of this section. Expenses must be:

- appropriately authorized by interim class counsel;
- timely submitted;
- reasonable in amount; and

- supported by adequate documentation.

15. Reimbursable expenses include:

- costs related to obtaining, reviewing, indexing, and paying for hard copies of computerized images of documents;
- legal research (e.g., LEXIS, Westlaw, or PACER charges);
- deposition, court reporter, and transcript costs;
- costs for the electronic storage, retrieval, and searches of ESI;
- court filing and service costs;
- group administration matters, such as meetings and conference calls;
- reasonable travel expenses including lodging and meals;
- expert witness and consultant fees and related expenses;
- investigator fees and related expenses;
- printing, copying, coding, and scanning;
- telephone, postage charges, and courier charges;
- data and materials provided by outside third-party vendors, consultants and attorneys;
- witness expenses, including travel;
- translation costs; and
- bank or financial institution charges.

2. Expense Limitations

16. Only reasonable expenses will be reimbursed. Except in extraordinary circumstances approved by class counsel, all travel reimbursements are subject to the following limitations:

- Airfare: Only the price of a coach seat for a reasonable itinerary will be reimbursed. Business/First Class Airfare will not be fully reimbursed. If Business Class/First Class Airfare is used, then an estimate of the difference between the Business Class/First Class Airfare and coach fare must be shown on the travel reimbursement form, and only the coach fare portion will be reimbursed.

- Hotel: Hotel room charges for the average available room rate of a business hotel, such as the Hyatt, Westin, and Marriott hotels, in the city in which the stay occurred will be reimbursed. Unless a special discounted rate is negotiated, luxury hotels will not be fully reimbursed but will be reimbursed at the average available rate of a business hotel.
 - Meals: Meal expenses must be reasonable, and shall not exceed \$125 per day per person (not including shared meal expenses that include meals for other attorneys working on the case, experts, etc.). Meal expense submissions must be supported by receipts or credit card statements that reflect the date and those partaking in the meal.
 - Cash Expenses: Miscellaneous cash expenses for which receipts generally are not available (tips, luggage handling, short taxi rides, etc.) will be reimbursed up to \$50.00 per day, as long as the expenses are properly itemized.
 - Rental Automobiles: Luxury automobile rentals will not be reimbursed. If luxury automobiles are selected when non-luxury vehicles are available, then the difference between the luxury and non-luxury vehicle rates must be shown on the travel reimbursement form, and only the non-luxury rate may be claimed, unless such larger sized vehicle is needed to accommodate several people working on the case.
 - Mileage: Mileage claims must be documented by stating the origination point, destination, total actual miles for each trip, and rate per mile paid by the member's firm. The maximum allowable rate will be the maximum rate allowed by the IRS (currently \$0.545 per mile).
 - Parking: Parking will be limited to actual documented costs.
17. Other non-travel expenses will be limited as follows:
- Long Distance and Cellular Telephone: Long distance and cellular telephone charges must be documented.

- Shipping, Courier, and Delivery Charges: All such claimed expenses must be documented.
- Postage Charges: A contemporaneous postage log or other supporting documentation must be maintained.
- Telefax Charges: Contemporaneous records should be maintained and submitted showing faxes sent and received. The per-fax charge shall not exceed \$1.00 per page.
- In-House Photocopy: A contemporaneous photocopy log or other supporting documentation must be maintained. The maximum copy charge is \$0.30 per page.
- Computerized Research: Claims for LEXIS, Westlaw, PACER, and other computerized legal research expenses should be in the amount charged to the firm for these research services.

D. Verification of Expenses

18. Attorneys and staff must keep receipts for all expenses. Credit card receipts or monthly credit card statements are an appropriate form of verification. Hotel and restaurant costs must be supported by a credit card statement, hotel invoice, or restaurant bill. The description of unclaimed expenses on the statement or invoice may be redacted. Receipts need not be submitted on a quarterly basis, but shall be maintained by the attorneys and may be required later as a condition of payment.

II. EXCHANGING TIME AND EXPENSE REPORTS

A. Timing of Exchange

19. Interim class counsel for each respective class will collect time and expense reports from other counsel working on that matter on a quarterly basis. Time and expense reports will be submitted to interim class counsel no later than the twenty-first day of the month following the end of the quarter being reported. For example, reports for the first quarter (January through March) are due by April 21.

20. Girard Sharp LLP will be responsible for collecting and preserving, in an electronic format, the monthly reports for interim class counsel in the *Advertising* case, and Korein Tillery LLC

1 will be responsible for collecting and preserving, in an electronic format, the monthly reports for
 2 interim class counsel in the *Publisher* case.

3 21. Any time and expense records submitted more than three months in arrears may not be
 4 considered or included in any compilation of time or expense calculation and may be disallowed,
 5 except for good cause shown and with Court approval.

6 **B. Content of Reports**

7 22. Each time report submission must be in the form of **Attachment A**, and each expense
 8 submission must be in the form of **Attachment B**.

9 **III. SUBMITTING TIME AND EXPENSE REPORTS**

10 23. On a quarterly basis, interim class counsel will file *in camera* summaries reflecting the
 11 hours billed and expenses incurred in this matter pursuant to this protocol.

12 24. Interim class counsel's first submission, covering the calendar year 2020 and the first
 13 and second quarters of this year, will be due to the court on August 10. Thereafter, each submission to
 14 the Court will be due on the tenth day of the second month following the end of the quarter being
 15 reported. For example, first quarter reports (covering January through March) will be due to the Court
 16 on May 10.

17 25. Class counsel may be required to submit detailed time records in connection with any
 18 fee application.

19 26. The Court further requires submission of a summary chart of billings in accordance with
 20 this Court's Standing Order regarding Motions for Attorneys' Fees.

21
 22 Dated: April 26, 2021



23 THE HONORABLE BETH LABSON FREEMAN
 24 United States District Judge

1 Dated: April 12, 2021

Respectfully submitted,

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ATTESTATION

I, Dena C. Sharp, am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I attest that concurrence in this filing has been obtained from all signatories above.

By: /s/ Dena C. Sharp

EXHIBIT A

Firm Name:**Time Period:**

Categories: PT (pretrial work); AP (work on appeals); TP (trial work); ST (settlement work); TL (travel time not spent doing other work, which should be billed separately); and OT (other; describe in detail).

Last Name, First Name	Professional Level	Date of Service	Category Code	Category Name	Detailed Description of Work Performed	Billing Rate	Time Spent (by 0.1 increments)	Fees Total
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								0.00
								0.00
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Professional Level: P = Partner; OC = Of Counsel or Counsel; SC = Senior Counsel; A = Associate; SA = Staff Attorney; PL = Paralegal; LA = Legal Assistant; LC = Law Clerk; CA = Contract Attorney; OT = Other (explanation required)

EXHIBIT B

Firm Name:**Time Period:**

Categories: 1. Court/Filing Fees; 2. Professional Fees (expert, consultants, investigators, etc.); 3. Air Transportation; 4. Ground Transportation; 5. Meals; 6. Lodging; 7. Telephone/Facsimile; 8. Postage/Express Delivery/Messenger; 9. Commercial Copies; 10. Court Reporters/Transcripts; 11. Witness/Service Fees; 12. Internal Reproduction/Copies; 13. Computer research (e.g., Westlaw); 14. Contributions to the litigation fund; and 15. Miscellaneous (Describe in detail)

[illegible]